

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	Art Unit: 1634
	)	
NEXO, et al.	)	Examiner: KAPUSHOC, S.
	)	
Serial No.: 10/519,505	)	Washington, D.C.
	)	
Filed: December 12, 2004	)	June 11, 2007
	)	
For: DISEASE RISK ESTIMATING	)	Docket No.: NEXO=1
METHOD USING SEQUENCE	)	
POLYMORPHISMS IN A...	)	Confirmation No.: 7629

ELECTION WITH TRAVERSE

U.S. Patent and Trademark Office  
Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

S i r :

In response to the restriction requirement mailed April 9, 2007, applicants responds as follows.

1. Applicants elect group 1, with traverse.
2. Applicants elect the subsequence which is part 22 (SEQ ID NO:92) of claim 18, with traverse.
3. The Applicant traverses the Restriction Requirement. Applicant believes that the groups made by the examiner are linked to a single inventive concept. The fact that, for example, the method for estimating the skin cancer, lung cancer, breast cancer and colon cancer disease risk of an individual, comprising assessing in the genetic material of a sample from said individual a sequence polymorphism can be performed on nucleic acid level as well as on protein level does not justify that the invention is split into groups 1 and 2. The invention is that a region on the DNA has been identified to be involved in the development of certain cancer forms. Thus, it follows that a method for estimating a disease risk can be performed on DNA, RNA or protein level. The inventive concept is the same

USSN - 10/519,505

whichever level one chooses to assay for. It is worth noting that in the PCT Administrative Instructions, Annex B, Part 2, Example 17, it is said that a protein, and DNA encoding the protein, have "corresponding special technical features" and thus have unity in PCT practice.

4. Claims 1-10, 15-24 all read on the elected invention.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.  
Attorneys for Applicant

By: 

Iver P. Cooper  
Reg. No. 28,005

624 Ninth Street, N.W.  
Washington, D.C. 20001  
Telephone: (202) 628-5197  
Facsimile: (202) 737-3528  
IPC:lms  
G:\ipc\g-i\hoib\Nexol\pto election.wpd